

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GREGORY GOODWIN,	)	
	)	
Plaintiff,	)	Civil Action No. 05-CV-161 (Erie)
	)	
v.	)	Judge Maurice B. Cohill, Jr.
	)	
ACCURIDE ERIE, L.P.,	)	ELECTRONIC FILING
	)	
Defendant.	)	

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

NOW COMES Defendant Accuride Erie, L.P. ("Accuride"), by and through its counsel, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, and files this Motion for Summary Judgment. Pursuant to Local Rule 56.1, Defendant files herewith its Brief Supporting Motion for Summary Judgment and Concise Statement of Material Facts Supporting Motion for Summary Judgment and supporting exhibits. In support of its Motion, Defendant states as follows:

1. Plaintiff Gregory Goodwin ("Goodwin"), a Caucasian male, claims he was unlawfully terminated because of his race and sex under Title VII of the Civil Rights Act of 1964, 42 U.S. § 2000e et seq. ("Title VII") and the Pennsylvania Human Relations Act, 43 Pa. C.S.A. § 951 et seq. ("PHRA").

2. Goodwin cannot establish a prima facie case of reverse race or sex discrimination because: (1) there is no evidence that Accuride is that unusual employer who discriminates against a majority; and (2) the evidence of record shows Goodwin's purported comparator was not similarly situated to Goodwin.

3. Assuming *arguendo* that Goodwin can establish a prima facie case of reverse race or sex discrimination, there is no evidence of record showing Accuride's articulated legitimate, nondiscriminatory reason for Goodwin's termination was pretext or unlawful discrimination. Indeed, the evidence of record militates against a finding of pretext.

4. For the foregoing reasons, and the reasons stated in Defendant's Brief Supporting Motion for Summary Judgment, Goodwin's claims should be dismissed in their entirety.

WHEREFORE, Accuride respectfully requests that this Court issue an Order in the form attached, granting Defendant's Motion for Summary Judgment and dismissing with prejudice all of Goodwin's claims.

Respectfully submitted,

JACKSON LEWIS LLP

By: /s/Mark Goldner  
Martin J. Saunders  
PA ID #19940  
saunderm@jacksonlewis.com  
Mark Goldner  
PA ID #75938  
goldnerm@jacksonlewis.com  
One PPG Place, 28th Floor  
Pittsburgh, PA 15222  
Phone (412) 232-0404  
Fax (412) 232-3441

ATTORNEYS FOR DEFENDANT

Dated: August 31, 2006

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2006, I electronically filed the foregoing *Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Joseph H. Chivers, Esquire  
312 Boulevard of the Allies, Suite 600  
Pittsburgh, PA 15222

/s/ Mark Goldner